

**REMARKS**

Claims 1 – 14 are pending are under consideration in the above-identified application.

In the Office Action, Claims 1 – 14 were rejected.

In this Amendment, Claims 1, 2, 4 – 9 and 11 – 14 are amended. No new matter has been introduced as a result of this Amendment.

Accordingly, Claims 1 – 14 remain at issue.

**I. Objection To Specification**

The Title and Abstract have been appropriately amended as requested by the Examiner.

Accordingly, Applicants respectfully request that this objection to the Specification be withdrawn.

**II. Objection To Claims**

Claims 1, 4 – 6 and 11 – 13 were objected to because of informalities. Applicants have corrected these claims as requested by the Examiner.

Accordingly, Applicants respectfully request that this objection to the Specification be withdrawn.

**III. 35 U.S.C. § 112 Indefiniteness Rejection of Claims**

Claims 1-14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have appropriately amended the claims at issue, and respectfully request that this objection to the claim rejection be withdrawn.

**IV. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 1-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. JP 2002-15771, hereafter referred to as JP'771.

Claim 1 is directed to an electrolyte which comprises an electrolytic solution containing at least one selected from the group consisting of vinylethylene carbonate and its derivatives in the range of 0.05 wt % to 5 wt % in total and a *polymer. The polymer is gelatinized with the electrolytic solution. The electrolytic solution is diffused or held within said polymer, and the electrolytic solution contains 95 wt % or more of a high dielectric constant solvent.*

That is, the electrolyte solution contains at least one selected from the group consisting of vinylethylene carbonate and its derivatives in the range of 0.05 wt % to 5 wt % in total and a polymer, and contains 95 wt % or more of a high dielectric constant solvent.

By controlling the content of the high dielectric constant solvent and adding vinylethylene carbonate and/or its derivatives, the electrolyte attains a substantially high chemical stability and a substantially high capacity which leads to less swelling of the container of the battery. As such, the battery containing this electrolyte performs with desirable low temperature characteristics and load characteristics.

In contrast, JP '771 discloses that (emphasis added):

"In the nonaqueous electrolyte possessing the lithium salt by which the 1st nonaqueous electrolyte concerning this invention is dissolved in a non-aqueous solvent and said non-aqueous solvent said non-aqueous solvent *Ethylene carbonate, propylene carbonate*, and gamma-butyrolactone. Ethylene carbonate [ as opposed to said whole non-aqueous solvent including the 4th component except said ], The rate of *propylene carbonate*, gamma-butyrolactone, and said 4th component, respectively x (volume %), When referred to as y (volume %), z (volume %), and p (volume %), said x, said y, said z, and said p are characterized by filling  $15 \leq x \leq 50$ ,  $2 \leq y \leq 35$ ,  $30 \leq z \leq 85$ , and  $0 \leq p \leq 5$ , respectively."

Thus, the contents of ethylene carbonate and propylene carbonate in the electrolyte taught by JP '771 are in the range of 70 wt % or less based on the fact that the content z of gamma-butyrolactone, given in wt% or volume and is characterized by  $30 \leq z \leq 85$ , which is outside the "95 wt % or more" range of the high dielectric solvent claimed in the present invention.

Therefore, the ratio of the claimed high dielectric solvent is different from the ratio taught by JP '771. Moreover, in contrast to the electrolyte solution disclosed in JP '771, the claimed electrolyte solution does not comprise the gamma-butyrolactone element.

Thus, for at least the above cited differences, Claim 1 is patentable over JP '771, as are dependent Claims 2 - 7, for at least the same reasons.

Independent Claim 8 recites the same distinguishable limitation as that of Claim 1. Thus, Claim 8 is patentable over JP'771, as are dependent claims 9 – 14, for at least the same reasons.

Accordingly, Applicants respectfully request that these claim rejections be withdrawn.

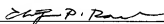
**V. Conclusion**

In view of the above amendments and remarks, Applicant submits that all Claims 1 – 14 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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